

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7584

Petition of Dubois Farm, Inc. and Dubois Energy, )  
LLC ("Dubois Farm") for a Certificate of Public )  
Good, pursuant to 30 V.S.A. Section 248(j), )  
authorizing the installation and operation of a )  
450-kW agricultural-methane electrical generating )  
facility at a dairy farm owned by Dubois Farm, )  
Inc., located at 2038 Route 17E in Addison, )  
Vermont )

Order entered: 5/13/2010

**I. INTRODUCTION**

This case involves a petition filed jointly by Dubois Farm, Inc. and Dubois Energy, LLC (collectively, "Dubois Farm") requesting a certificate of public good under 30 V.S.A. § 248(j) to install and operate a 450-kW agricultural-methane electrical generating facility at a dairy farm owned by Dubois Farm, Inc., located in Addison, Vermont. In today's Order, we conclude that the proposed project will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

**II. PROCEDURAL HISTORY**

On November 25, 2009, Dubois Farm filed a petition with the Public Service Board ("Board") requesting a certificate of public good under 30 V.S.A. § 248(j) to install and operate a 450-kW agricultural-methane electrical generating facility at a dairy farm owned by Dubois Farm, Inc., located in Addison, Vermont. The generating facility would be interconnected with Central Vermont Public Service Corporation's ("CVPS") distribution system. Dubois Farm submitted prefiled testimony, proposed findings, and a proposed order pursuant to the requirements of 30 V.S.A. § 248(j).

On November 25, 2009, the Agency of Agriculture, Food and Markets ("AAFM") filed a letter stating its support for the project and outlining some of the project's benefits, including helping the farm comply with state and federal environmental regulations.

Notice of the petition was sent on January 28, 2010, to all entities specified in 30 V.S.A. § 248(a)(4)(c) and other interested parties. The notice stated that any party wishing to submit comments as to whether the petition raises a significant issue with respect to the substantive criteria of 30 V.S.A. § 248 needed to file comments with the Board on or before March 1, 2010. A similar notice of the filing was published in *The Addison County Independent* on February 1, 2010, and February 8, 2010.

On March 1, 2010, the Vermont Department of Public Service ("Department") filed a letter stating that the petition does not raise a significant issue with respect to the criteria of 30 V.S.A. § 248 and a certificate of public good should be issued, on the condition that the system impact study ("SIS") recommendations be implemented at Dubois Farm's expense.

On March 1, 2010, the Department filed a letter stating that the Department found Dubois Farm's petition consistent with the *Vermont Electric Plan*, pursuant to 30 V.S.A. § 202(f).

On March 10, 2010, Dubois Farm filed a letter stating that it does not plan to use off-farm feedstock, but that it would like the flexibility, if there is a future need, to supplement on-farm feedstock with off-farm feedstock. Dubois Farm also stated that it discussed its potential need for off-farm feedstock with the Agency of Natural Resources ("ANR") and agreed to obtain all necessary permits or approvals required by the AAFM or ANR. In addition, Dubois Farm stated that it would not object to a Board condition to this effect.

On March 12, 2010, ANR filed a letter stating that if Dubois Farm intends to utilize off-farm feedstock, it needs to notify *both* the AAFM and ANR and obtain all necessary permits or approvals from *both* the AAFM and ANR.

No other comments on the petition were filed.

The Board has determined that the proposed construction will be of limited size and scope and that the petition, as supplemented, has effectively addressed the issues raised with respect to the substantive criteria of 30 V.S.A. § 248. Consequently, we find that the procedures

authorized by 30 V.S.A. § 248(j) are sufficient to satisfy the public interest, and no hearings are required.

### **III. FINDINGS**

1. Dubois Farm, Inc., is a corporation that owns and operates a dairy farm with approximately 1,000 milking cows and 1,200 dry cows, heifers, and calves in Addison, Vermont ("the Farm"). Bernard Dubois and his two brothers own ninety-eight percent of the stock of Dubois Farm, Inc. Dubois Farm, Inc. entered into a long-term lease with Dubois Energy, LLC, a Vermont domestic limited liability company, that is leasing land for the operation and management of the proposed project. Dubois pf. at 1-3.

2. Dubois Farm proposes to construct and operate an electrical generating facility ("the Project") on the Farm. The Project will use methane gas derived by processing raw manure and other feedstock in a digester located on the Farm. The generator will produce up to 450 kW of electricity. Dubois pf. at 8-9.

3. The Project is intended to be a Sustainably Priced Energy Enterprise Development ("SPEED") resource so that it may qualify to sell power at the standard-offer price pursuant to 30 V.S.A. § 8005(b)(2).<sup>1</sup> The Project is currently in the SPEED standard-offer queue. The Project's environmental attributes (renewable energy credits), distinct from the electrical output, will be sold separately to the CVPS Cow Power program. Dubois pf. at 4, 18-19.

4. The Project will include the construction of three buildings: an enclosed, concrete anaerobic manure digester produced by GHD, Inc. of Chilton, Wisconsin (approximately four to five feet above-ground);<sup>2</sup> a building for the separator and bedding storage (approximately fifty feet by 120 feet); and a building for the generator (approximately forty feet by fifty feet). The Project is designed to be consistent in appearance and color with existing structures and will be

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1. For more information about the SPEED or standard-offer program visit the VermontSPEED website at <http://vermontspeed.com/standard-offer-program/> or the Board's Implementation of Standard Offer Prices for SPEED website page at <http://psb.vermont.gov/docketsandprojects/electric/7523>.

2. Dubois Farm failed to provide the complete dimensions of the digester. Exhibit DF-BD-2 provides some sense of the size of the digester, but the exhibit does not include a scale. Prior to construction, Dubois Farm must file, for Board approval, a letter providing the dimensions of the digester.

constructed entirely on the Farm property, within the existing farmstead complex, and immediately adjacent to existing farm buildings. Dubois pf. at 5-8, 25-26, 32-33; exhs. DF-BD-2, 3, and 4.

5. The digester will process cow manure produced at the Farm by the existing herd. The manure will be pumped from the stall barn into an existing storage tank ("reception pit") and then into the digester, where it will be mixed and heated. The naturally resulting decomposition will produce methane gas and biosolids. The methane will be collected and used to fuel a reciprocating engine that runs a generator and produces energy. The biosolids will be pumped from the effluent pit at the end of the digester to a mechanical separator. The liquid and solids, with their pathogens and odor characteristics now greatly reduced by the digestion process, will be separated out. The solids will be treated and primarily used as bedding for the Farm's cows, which will allow the Farm to save on the cost of sawdust and reduce its phosphorous release. Any remaining solids will be either used as fertilizer or sold to other farms as bedding or to nurseries and landscapers as soil amendment. The liquid waste will gravity-flow into an existing earthen lagoon (formerly used for manure) and then used as fertilizer. The liquid waste provides a higher grade fertilizer than raw manure and contains less phosphorous. Some of the remaining "waste" heat from the generator engine will offset the fuel used for the milkhouse's hot water needs. Dubois pf. at 6-9, 11-18.

6. Currently, Dubois Farm plans to use on-farm manure as feedstock. Dubois Farm does not plan to use off-farm feedstock, but would like the flexibility to supplement the Project's on-farm feedstock with off-farm feedstock, if there is a future need.<sup>3</sup> Dubois pf. at 6, 11; letter from Gerald R. Tarrant, Esq., to Susan Hudson, Clerk of the Board, filed March 10, 2010.

7. The Project will interconnect with CVPS's existing three-phase distribution system. The Project does not require installation of new utility poles. The electrical cable connecting the

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3. To qualify for a SPEED standard-offer contract, agricultural-methane projects must derive "at least 51% of the feedstock . . . from agricultural operations." *Second Order Re Implementation Issues*, Docket 7533, Order of 10/28/09 at 5-7 (referencing the Vermont Energy Act of 2009, Public Act No. 45 (2009 Vt. Bien. Sess.) §§ 8005(b)(2)(A)(I) and 8005(g)(3)). To qualify as feedstock derived from agricultural operations, a feedstock must be produced for some other purpose than solely that of providing a fuel source for generation. Docket 7533, Order of 10/28/09 at 6.

generator to CVPS's distribution system will be buried from the generator building to an existing utility pole. Dubois pf. at 6, 9, 26.

### **Orderly Development of the Region**

[30 V.S.A. § 248(b)(1)]

8. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by findings 9 and 10, below.

9. The Addison Planning Commission and the Addison County Regional Planning Commission both endorse the Project as being consistent with the town and regional plans. Dubois pf. at 20-25; exhs. DF-BD-5, 6, 7, 8 and 9.

10. The town and regional plans both expressly support renewable energy. The regional plan specifically highlights support for farm-based bio-gas development. The Addison Planning Commission's letters noted the Project's positive economic and environmental benefits, including improved water quality and a reduction in farm odors. Exhs. DF-BD-5, 7, 8 and 9.

### **Need for Present and Future Demand for Service**

[30 V.S.A. § 248(b)(2)]

11. The Project is a SPEED resource so that Dubois Farm may sell power under the standard-offer program. Dubois pf. at 18-19.

### **Discussion**

Pursuant to 30 V.S.A. § 8005(b)(8):

a demonstration of compliance with subdivision 248(b)(2) of this title, relating to establishing need for the facility, shall not be required if the facility is a SPEED resource and if no part of the facility is financed directly or indirectly through investments, other than power contracts, backed by Vermont electricity ratepayers.

Dubois Farm has accepted a standard-offer contract under the Vermont SPEED program; accordingly, Dubois Farm does not need to demonstrate compliance with this criterion.

**System Stability and Reliability**

[30 V.S.A. § 248(b)(3)]

12. The Project will not adversely affect system stability and reliability. This finding is supported by findings 13 and 14, below.

13. The Project will be interconnected at 12.47 kV with CVPS's distribution system originating at the Weybridge 81 distribution circuit. CVPS has determined that the Project would not affect system stability or reliability, provided that the Project follows the requirements outlined in the SIS, which CVPS conducted for the Project. Dubois pf. at 4, 10; exhs. DF-BD-10 and 13.

14. The SIS identified the following recommendations to avoid undue adverse stability and reliability problems including the need for anti-islanding protection and a transfer trip scheme:

(a) Controls must be placed to prevent the unit from starting and stopping more than once per hour.

(b) All required items listed in Section 5 - Protection and Interconnection Requirements of the SIS must be strictly adhered to.

(c) The Interconnection Agreement between CVPS and Dubois Farm must include terms and conditions addressing generator power factor, tripping, lockout, and re-start.

Exh. DF-BD-13; SIS, attached to letter of March 5, 2010, from Gerald Tarrant to Susan Hudson.

**Discussion**

The preliminary system impact study conducted by CVPS raised a concern that the Project may increase generator or system instability.<sup>4</sup> In response to the SIS, CVPS hired Phillip Barker, P.E., of Nova Energy Specialists, LLC ("Nova"), to determine the likelihood of stability issues.<sup>5</sup> After Nova's preliminary investigation, CVPS determined that the Project would not affect system stability or reliability, provided that the Project follows the requirements outlined in the SIS.<sup>6</sup> CVPS stated that it would provide Dubois Farm with an Interconnection Agreement

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4. Exhs. DF-BD-10 and 13.

5. Exhs. DF-BD-10 and 13.

6. Exhs. DF-BD-10 and 13.

before connecting the Project to the grid.<sup>7</sup> Although not expressly stated by Dubois Farm or CVPS, Dubois Farm is responsible for meeting the applicable codes and standards listed in PSB Rule 5.510 and for all costs of interconnection and any measures necessary to ensure that the Project does not disrupt system stability and reliability.

Accordingly, the Board concludes that before interconnecting with CVPS's distribution system, Dubois Farm must comply with the recommendations contained in the SIS to assure that the Project does not cause undue adverse impacts on system stability and reliability. Dubois Farm must also pay for all costs associated with the recommendations in the SIS as well as all interconnection costs. In addition, prior to operation of the Project, Dubois Farm shall enter into an interconnection agreement with CVPS and file the agreement with the Board and the Department and provide the Board and the Department with written documentation that the Project meets the applicable codes and standards listed in Board Rule 5.510.

#### **Economic Benefit to the State**

[30 V.S.A. § 248(b)(4)]

15. The Project will provide an economic benefit to the state and its residents. First, it will offer a local and renewable power source, adding diversity to the state's energy mix and displaces generation that uses fossil fuel. Second, the Project will enhance the economic viability of the Farm and the construction phase will employ numerous local contractors. Third, the Project will provide additional, indirect economic benefits including conserving the working landscape that is essential to Addison County. Finally, other indirect economic benefits to the general public include reduced odor from manure-spreading, improved nutrient management, and the reduction of greenhouse gases by removing methane, a significant greenhouse gas, from the atmosphere, by trapping it and burning it as fuel for the generator. Dubois pf. at 15-18; letter from Diane Bothfield, to Susan Hudson, Clerk of the Board, filed November 25, 2009.

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7. Exhs. DF-BD-10 and 13.

**Aesthetics, Historic Sites, Air and Water Purity,**  
**the Natural Environment and Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

16. The Project, as proposed, will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and public health and safety. This finding is supported by findings 17 through 42, below, which are the criteria specified in 10 V.S.A. §§ 1424(a)(d) and 6086(a)(1)-(8)(A) and (9)(K).

**Outstanding Resource Waters**

[10 V.S.A. § 1424(a)(d)]

17. The Project will not be located on or near any outstanding resource waters. Dubois pf. at 28.

**Water and Air Pollution**

[10 V.S.A. § 6086(a)(1)]

18. The Project will not result in undue water or air pollution. This finding is supported by findings 19 through 31, below.

19. The Project will reduce the release of methane gas and odor from manure. Dubois pf. at 5, 15-16.

20. The Project will convert raw manure into biosolids for bedding, which reduces the oxygen demand and pathogen population of animal waste, thereby reducing latent negative impacts on water quality. Dubois pf. at 15.

21. The Project will convert raw manure into liquid waste before spreading it as fertilizer on the Farm's fields, thus reducing the amount of manure stored in lagoons and the amount of organic nitrogen released into the environment. Dubois pf. at 12, 15.

22. The Project will produce air emissions from burning methane in the generator's engine and from flaring excess methane from the digester. The Air Pollution Control Division of the ANR reviewed the emissions data, stack, and flare specifications and, as set forth in a letter dated



April 29, 2009, determined that an air pollution control permit is not required, but included four operating conditions as part of that determination. Exh. DF-BD-12.

23. ANR's four operating conditions are as follows:

- (1) The Dubois Farm shall only install and operate a Guascor model SFGLD 360 internal combustion engine. Dubois Farms shall not install an alternative engine without prior written approval from [ANR]. The engine shall be maintained in good working order at all times and operated and maintained in accordance with the manufacturer's operation and maintenance recommendations.
- (2) The Dubois Farm shall design and operate the biogas-to-energy Facility in such a manner that any biogas which is not combusted in the engine is routed to a flare that is designed and operated in accordance with 40 *CFR* Part 60, Subpart A, §60.18. The flare shall also be equipped with a properly sized windscreen to prevent blowout of the flame. All elements of the flare system shall be maintained in good working order at all times and operated and maintained in accordance with the manufacturer's operation and maintenance recommendations.
- (3) The flare shall be equipped and operated with an automatic ignition system, such as a spark ignition system or a continuous pilot light, to ensure immediate and continuous combustion of any biogas that is routed to it. Spark igniters may be powered by the grid or an acceptable alternative power source.
- (4) Dubois Farms shall register its air emissions with [ANR] annually in accordance with Subchapter VII of the Vermont Air Pollution Control Regulations. . . .

Exh. DF-BD-12.

#### Discussion

Dubois must meet the conditions listed in the Air Pollution Control Division's letter dated April 29, 2009, to ensure that the Project complies with this criterion.

#### **Headwaters**

[10 V.S.A. § 6086(a)(1)(A)]

24. The Project will not be located on or near any headwaters area. Dubois pf. at 28.

### **Waste Disposal**

[10 V.S.A. § 6086(a)(1)(B)]

25. The Project will improve current waste disposal practices. This finding is supported by findings 25 and 26, below.

26. The digester is a sealed container, which will not release untreated waste. The Project will not require new toilet facilities. Dubois pf. at 8, 28.

27. The Project will help Dubois Farm meet the goals of its nutrient management plan in compliance with its Large Farm Operating (LFO) Permit, issued by the AAFM, which addresses environmental concerns with field application of manure and the waste stream and digestion process. The Project allows the Farm to transition to an advanced manure management system. Letter from Diane Bothfield, to Susan Hudson, Clerk of the Board, filed November 25, 2009; Dubois pf. at 5, 15, 20, 33.

### **Discussion**

Currently, Dubois Farm plans to use on-farm manure as feedstock.<sup>8</sup> Dubois Farm does not plan to use off-farm feedstock, but would like the flexibility to supplement the Project's on-farm feedstock with off-farm feedstock, if there is a future need.<sup>9</sup> The Project's potential use of off-farm feedstock raises several concerns, including compliance with state regulation and potential storage and odor issues.

On March 12, 2010, ANR filed a letter stating that if Dubois Farm intends to utilize off-farm feedstock, it needs to notify both the AAFM and ANR and obtain all necessary permits or approvals from *both* the AAFM and ANR.<sup>10</sup> Dubois Farm is amenable to a Board condition to that effect. Therefore, if Dubois Farm intends to use or store any off-site resources for this project, it shall: (1) notify the Board, ANR, and AAFM and file, for Board approval, a plan for handling and storing off-farm feedstock; (2) obtain all necessary permits or approvals required by ANR and AAFM; and (3) load all semi-solid feedstock into the digester hopper, and feed it

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8. Dubois pf. at 6, 11; letter from Gerald R. Tarrant, Esq., to Susan Hudson, Clerk of the Board, filed March 10, 2010.

9. Dubois pf. at 11; letter from Gerald R. Tarrant, Esq., to Susan Hudson, Clerk of the Board, filed March 10, 2010.

10. Letter from Judith Dillon, to Susan Hudson, Clerk of the Board, filed March 12, 2009.

into the digester tanks, on the same day as delivery, in order to eliminate the need for on-site storage and minimize potential odors.

Additionally, to qualify for a SPEED standard-offer contract, agricultural-methane projects must derive "at least [fifty-one percent] of the feedstock . . . from agricultural operations" and, to qualify as feedstock derived from agricultural operations, a feedstock must be produced for some other purpose than solely that of providing a fuel source for generation.<sup>11</sup> Accordingly, Dubois Farms must also keep accurate records of the quantity of each type of feedstock utilized in the digester and report these quantities to the Board annually.

### **Water Conservation**

[10 V.S.A. § 6086(a)(1)(c)]

28. The Project will not require a new water supply and there should be no impact on existing water use. Dubois pf. at 29.

### **Floodways**

[10 V.S.A. §§ 6086(a)(1)(D)]

29. The Project is not located within a floodway. Dubois pf. at 29.

### **Streams**

[10 V.S.A. §§ 6086(a)(1)(E)]

30. The Project will have no impact on streams, since no improvements will be located on the banks of a stream. Dubois pf. at 29.

### **Shorelines**

[10 V.S.A. §§ 6086(a)(1)(F)]

31. The Project is not located near a shoreline. Dubois pf. at 29.

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11. *Second Order Re Implementation Issues*, Docket 7533, Order of 10/28/09 at 5-7 (referencing the Vermont Energy Act of 2009, Public Act No. 45 (2009 Vt. Bien. Sess.) §§ 8005(b)(2)(A)(I) and 8005(g)(3)).

**Wetlands**

[10 V.S.A. § 6086(a)(1)(G)]

32. The Project will not impact wetlands. None of the Project construction or operations will occur in or near any wetlands. Dubois pf. at 30.

**Sufficiency of Water and Burden on Existing Water Supply**

[10 V.S.A. §§ 6086(a)(2)and(3)]

33. The Project will not require a substantial amount of additional water. Water for fire suppression will be provided pursuant to existing labor and industry permits. Dubois pf. at 30.

**Soil Erosion**

[10 V.S.A. § 6086(a)(4)]

34. The Project will not cause an adverse impact on soil erosion. The sitework for the Project will be located within the farmstead, in a relatively flat area, and the existing topography will not be altered. Dubois pf. at 26, 30; DF-BD-1, 2, and 3.

**Transportation Systems**

[10 V.S.A. § 6086(a)(5)]

35. The Project will not cause unreasonable congestion or unsafe conditions with respect to transportation systems. The Project will convert raw manure into biosolids for bedding, thereby reducing the importation of sawdust for bedding by approximately eighty-five percent. The Project may transport biosolids, but expects that most of the biosolids will be used on the farm as bedding or fertilizer. Dubois pf. at 15, 31.

**Discussion**

If Dubois Farm sells and transports biosolids, the Board limits the exportation of biosolids to one truckload per day. If Dubois Farm imports off-farm feedstock, the Board limits the importation of off-farm feedstock to one truckload per day. Thus, the Project is limited to two round-trip truck trips per day.

**Educational Services**

[10 V.S.A. §§ 6086(a)(6)]

36. The Project will not cause an unreasonable burden on educational services. Dubois pf. at 31.

**Municipal Services**

[10 V.S.A. §§ 6086(a)(7)]

37. The Project will not require any municipal or governmental services. Dubois pf. at 31-32.

**Aesthetics, Historic Sites  
and Rare and Irreplaceable Natural Areas**

[10 V.S.A. § 6086(a)(8)]

38. The Project will not have an undue adverse impact on the scenic or natural beauty, aesthetics, historic sites, or rare and irreplaceable natural areas. This finding is supported by findings 38 through 40, below.

39. The Project is designed to be consistent in appearance and color with existing structures and will be constructed entirely on the Farm property, within the existing farmstead complex, and immediately adjacent to existing farm buildings. Dubois pf. at 25-26, 32-33; exhs. DF-BD-2, 3, and 4.

40. The Project does not involve installation of new utility poles. The electrical cable connecting the generator to CVPS's distribution system will be buried from the generator building to an existing utility pole. Dubois pf. at 6, 9, 26.

41. There are no historic sites or rare and irreplaceable natural areas in the vicinity of the proposed project. Dubois pf. at 27, 34.

**Necessary Wildlife Habitat and Endangered Species**

[10 V.S.A. § 6086(a)(8)(A)]

42. The Project will not have any adverse impacts on wildlife habitat or threatened or endangered species. Dubois pf. at 34.

**Development Affecting Public Investments**

[10 V.S.A. § 6086(a)(9)(K)]

43. The Project will not unnecessarily or unreasonably endanger any public or quasi-public investment or materially jeopardize or interfere with the public's use or enjoyment of or access to public lands or services. The only public investment near the Project is Route 17E, the road from which the Farm is accessed. The Project will not be visible from the road and will not adversely affect the use of this road by the public. Dubois pf. at 27, 34.

**Least-Cost Integrated Resource Plan**

[30 V.S.A. § 248(b)(6)]

44. Dubois Farm does not distribute or transmit electricity to the public and is not required to prepare an integrated resource plan pursuant to 30 V.S.A. § 218c.

**Compliance with Electric Energy Plan**

[30 V.S.A. § 248(b)(7)]

45. On March 1, 2010, the Department filed a letter stating that the Department found Dubois Farm's petition consistent with the *Vermont Electric Plan*, pursuant to 30 V.S.A. § 202(f). Letter of March 1, 2010, from Sarah Hofmann, Esq., to Susan M. Hudson, Clerk of the Board.

**Outstanding Resource Waters**

[30 V.S.A. § 248(b)(8)]

46. The Project is not located near any outstanding resource waters. Dubois pf. at 28.

**Existing or Planned Transmission Facilities**

[30 V.S.A. § 248(b)(10)]

47. The Project, with the development of an appropriate interconnection agreement, can be served economically by existing or planned transmission facilities without undue adverse impact on Vermont utilities or customers. Dubois pf. at 36; exhs. DF-BD-10 and 13.

#### **IV. CONCLUSION**

Based upon all of the above evidence, we conclude that the proposed project will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

#### **V. ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The proposed installation and operation of a 450-kW agricultural-methane electrical generating facility at a dairy farm owned by Dubois Farm, Inc., located at 2038 Route 17E in Addison, Vermont (the "Project"), will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248, and a certificate of public good to that effect shall be issued.
2. The Project shall be constructed in accordance with the evidence and plans submitted in these proceedings. Any material deviation from these plans must be approved by the Board.
3. Dubois Farm shall comply with the recommendations contained in the System Impact Study ("SIS") to assure that the Project does not cause undue adverse impacts on system stability and reliability. Dubois Farm shall pay for all costs associated with the recommendations in the SIS, as well as all interconnection costs.
4. Prior to operation of the Project, Dubois Farm shall enter into an interconnection agreement with Central Vermont Public Service Corporation ("CVPS") and file the agreement with the Public Service Board ("Board") and the Department of Public Service ("Department").
5. Prior to interconnection of the generator with the CVPS system, Dubois Farm shall provide the Board and the Department with written documentation that the Project meets the applicable codes and standards listed in PSB Rule 5.510.

6. Dubois Farm shall comply with the four conditions for operating the engine and the flare established by the Air Pollution Control Division of the Agency of Natural Resources ("ANR") in a letter dated April 29, 2009.

7. Dubois Farm shall obtain all necessary permits and approvals and comply with any conditions that the permits or approvals might contain.

8. If Dubois Farm intends to use or store any off-site resources for this project, it shall: notify the Board, ANR, and AAFM and file, for Board approval, a plan for handling and storing off-farm feedstock; obtain all necessary permits or approvals required by ANR and AAFM; and ~~load~~ semi-solid feedstock into the digester hopper, and feed it into the digester tanks, on the same day as delivery, in order to eliminate the need for on-site storage and minimize potential odors.

9. If Dubois Farm utilizes off-farm feedstock, at least fifty-one percent of feedstock shall be derived from agricultural operations, produced for some other purpose than solely that of providing a fuel source for generation. Dubois Farms must also keep accurate records of the quantity of each type of feedstock utilized in the digester and report these quantities to the Board annually by March 31 of the following year.

10. If Dubois Farm sells and transports biosolids, it must notify the Board and parties prior to commencing the export of biosolids off of the Farm.

11. Prior to construction, Dubois Farm must file, for Board approval, a letter providing the dimensions of the digester.



Dated at Montpelier, Vermont this 13th day of May, 2010.

<u>s/ James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/ David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/ John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: May 13, 2010

ATTEST: s/ Susan M. Hudson  
Clerk of the Board

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*